

Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

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Russia has proven to be a hard case *litmus* test for steering the European Union's intricate multi-level, multi-actor system of governance into favourable policy outcomes (Schmidt-Felzmann, 2015: 596). The core challenge of the "nature of the beast" (Risse-Kappen, 1996: 53) is revealed in the interactions between the two strategic partners; the eponymous 'unity' of the Union remains largely rhetorical (Timmins and Gower, 2009: 128). Conceptually, this represents the fundamental collective action problem of the *composite* form: to aggregate the individual preferences into a collective position (da Conceição-Heldt and Meunier, 2014). It is this description of the European Union as a 'composite international actor' that contemporarily is, perhaps, its defining actor aspect. It captures the intuitive notion of its constituting of its individual Member States, while also reflecting its significant consolidation of actorness in the late 1990s (Hallenbrekt and Engels, 2008).

Beyond presumptive mentions of the causal relationship between actorness and incohesion and incoherence, however, this 'composite' character of the European Union remains comparatively unexplored within the context of the EU-Russia strategic partnership. Indeed, a large proportion of this body on literature treats the European Union as a monolithic, unitary actor (Schmidt-Felzmann, 2015). This essay aims to contribute to this lacuna in research in EU-Russia relations by systematically engaging with the consequences of EU's composite character. In doing so it will put forward the argument that compositeness has a clear casual impact on the EU-Russia relationship through three primary mechanisms: the dual external representation inherent to the composite form, the (in)cohesion of Member States' preferences, and finally, through horizontal inconsistency in policy coordination among the constitutive institutions.

The argumentation will proceed as follows. Firstly, the essay will consider the impact of the often-times parallel dual external representation of the individual Member States and the European Union as a collective. Secondly, the essay will consider how divisions in interests among the composite on the EU level influences the ability to form a common position towards Russia. Finally, the essay will consider the ability of the composite actor to manage a coherent strategy across its constitutive entities.

One Common Voice? The Plurality of External Representation in EU-Russia Relations

An evaluative report on EU-Russia relations released by the European Commission in 2004 emphasized the disproportional ineffectiveness of the European Union in achieving its objectives towards Moscow. Among the identified culprits in the report was a few Member States' fervent activity on the bilateral level that was claimed to undermine the scope for collective bargaining (Commission, 2004; see also Patten, 2004). Similarly, a European Parliament report in 2005 echoed this sentiment: "Member States must cease acting on a bilateral basis towards Russia ... in order to be credible" (Parliament, 2005). These internal evaluations of EU performance suggest that the dual external representation innate to the non-unitary actorness of the Union carries explanatory power for policy outcomes in EU-Russia relations. Moreover, this possibility for dual representation raises the question of how, and when, Member States opt for the bilateral versus the EU route in achieving their policy objectives vis-à-vis-Russia – and how this influences the respective lateral agenda setting in the EU-Russia relationship. As such, this section aims to examine the impact of the "two level game" (Smith, 2006) that the composite form of the European Union

Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

Written by Sophia Mård

entails.

Firstly, it is important to recognize that the EU's authority to act on behalf of its Member States regarding any arising issue or policy proposal is dependent on the concerned policy domain's relative extent of EU delegated supranational competences (Gower, 2013). For example, in domains such as foreign policy the European Union has effectively no legislative power, and thus, authority is restricted to facilitating coordination among the Member States (da Conceição-Heldt and Meunier, 2014). In areas of shared competence, such as energy policy or judicial cooperation, treaties set out the scope for possible cooperation at the bilateral level between the Member States and Russia (Schmidt-Felzmann, 2011: 33). Therefore, in areas of shared competence whereby bilateral cooperation is not excluded, and areas wherein the EU/EC are not delegated exclusive supranational competence, the Member State effectively face a 'forum' choice between the use of international institutions and engagement on the bilateral level. Within this framework, we may conceptualize the choice between the EU level and the national level as occurring within the framework of the "two-tiered bargaining game" where the Member State faces two distinct policy levels by which it may try to reach its policy objectives (Bulmer, 1991; Ginsberg, 1999). It bears to note that some social constructivist scholars have argued that the forces of Europeanization and socialization have created an instinctive choice to pursue the collective EU route (see e.g. Bulmer and Radaelli, 2005; Hooghe, 2005), however, the presence of strong 'coordination reflexes' have yet to gain sufficient empirical support in the EU-Russia case and thus remains outside the explanatory framework of this essay (Schmidt-Felzmann, 2011).

Thus, in line with Schmidt-Felzmann's comprehensive study on EU-Russia relations, we may postulate that the 'lateral choice' of Member States in regard to the problem they seek to address is mainly dependent on the following three factors: the concerned State's relative capacity to obtain its desired outcomes through bilateral engagement with Russia; the concerned State's relative capacity to obtain its desired outcomes through collective policy-making at the EU level; and, finally, the type and context of the issue concerned (2011: 19). In the case of the first factor, the EU unanimity requirement on most issues in the field of external relations renders governments significantly constrained in translating the national preference into a desired EU policy. In practice, this encourages the removing of salient bilateral issues of direct national interest from the level of EU policy-making to insulate bilateral ties from the risk of occurring costs in the event of failure to reach the needed agreement (Manners and Whitman, 2000). This is a move further emphasized by Kremlin elites, who (officially) perceives the EU not to as an "institution that contributes to our relationship, but an institution that slows down progress." (Kosachev, cited in Leonard and Popescu, 2007).

This naturally raises the question: Given the relative salience of Russia relations to most Member States, what issues do get uploaded to the agenda of the European Union? From the current empirical record emerges the conclusion that the European Union has come to serve as an issue "repository" for second order issues in which cooperation is not regarded as costly (Hyde-Price, 2006: 223). In particular, existing research strongly suggests that 'uncomfortable issues' are pursued primarily at the level of the European Union (Bastian, 2006; Gower, 2007 Schmidt-Felzmann, 2011: 17). These prominently include issues of normative concerns and trade problems. Theoretically, we may understand this "leaving of the difficult bits to the European level" as a common strategy of outsourcing bilateral disputes with Russia that could otherwise have reverse effects on the issues relevant to national interests (Leonard and Popescu, 2007: 16).

As a final point, recent research has come to question the prevailing view that special bilateral relations of certain Member States are *a priori* assumed to be deleterious to the collective positions vis-à-vis Russia (David et al, 2013). Indeed, it is important not to overstate the case of the plurality of representation and the ineffectiveness of collective bargaining: progressive junctures and positive dynamism in EU-Russia relations have at times spilled over onto the EU level from the relationships between individual Member States and Russia. One such example of 'constructive bilateralism' is the 2010 Partnership from Modernization, which signified a German uploading of its approach and modernization initiative to the EU level (Stewart, 2013: 23).

In sum, the "two level game" innate to the composite form of the European Union inevitably has agenda-setting implications for the development of EU-Russia relations. Additionally, it allows us to understand how issues are uploaded and downloaded to different levels – allowing us to postulate that the Member States' practices of uploading contentious issues may indeed insulate individual reputations, but come at the cost of a collective

Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

Written by Sophia Mård

reputational loss at the European level. Furthermore, parallel representation practices may undermine the collective bargaining strength of the Union vis-à-vis Russia, if Kremlin strategists sense that it is possible to bypass the EU policy route. Having analysed the willingness of the Member States to coordinate their positions, the following section will consider how the composite form impacts their ability to reach common positions vis-à-vis Russia.

One Common Position? Cohesion Among EU Member States in EU-Russia Relations

Prevalent divisions in the policy preferences and perceptions of Member States is commonly attributed to being the “insurmountable problem” in EU policy-making towards Russia (Schmidt-Felzmann, 2008: 182). This failure is not necessarily derived from the mere presence of the diversity of views inherent to the composite form, as will be elaborated below, but rather that the composite constitutive Member States endorse largely opposing principles regarding policy content and strategy. Conceptually, this is often portrayed as the classic collective action problem of *incohesion* in the composite form: the challenging task of aggregating diverging preferences and interests into a single, unified, position (da Conceição-Heldt and Meunier, 2014). Empirically, this disunity has been reflected in the evident lack of strong external EU identity, and a relatively weakened actor effectiveness of the European Union vis-à-vis a centralized Russia. This naturally raises a few questions in the context of examining the composite as a variable in EU-Russia relations: Along what lines may we theorize these evident divisions among Member States? How has the Union’s incohesion evolved throughout successive processes of enlargements, notably eastwards, as well as critical crises and junctures in EU-Russia relations? In the presence of these divisions, whose influence generally prevails? In addressing these question, this section aims to demonstrate the impact of the lack of cohesion of the Member States on the content and development of the strategic partnership with the EU-challenging Eastern Neighbour.

The European Union has, through four rounds of accession in 1995, 2004, 2007, and 2013, enlarged from twelve to twenty-eight Member States since initializing its relations with the Russia Federation in the early 1990s. Inevitably, these enlargements have altered the *character and content* of the Union through the expansion of conceived interests, identities, trade links, histories, and geographic proximities relevant to handling external affairs with Russia. In this context, a common argument in academic and policy literature situates the Eastern Enlargement of 2004 as a critical juncture in the EU-Russia relations as it marked the accession of some “troublesome” members of the former Eastern Bloc (see e.g. Raik, 2007; Haukkala and Forsberg, 2016: 31; Sutela, 2005). It is important to conceptualize this juncture as exacerbating the relative degree of opposing views, rather than conflating the size of the Union with incohesion. Moreover, arguments about east/new-old/west divides pervading EU policy-making regarding Russia are simplistic, in that they fail to reflect the empirical experience of policy divisions across and among these dichotomous typologies (Leonard and Popescu, 2007). That is not to refute the existence of these policy divisions (arguably the new-old division is experienced in domain of energy), but rather to highlight their complexity and contextualize them in terms of policy domains.

Given these apparent divergences, the question of whose strategic and substantive narrative prevails naturally emerges. In other words, which ‘constitutive units’ of the composite European Union are the main European drivers in the development of the strategic partnership? A high-level Eastern European diplomat, interviewed by Schmidt-Felzmann, declared that “the brutal answer to the question of who has influence in the EU [regarding Russia] is that big politics is done by big countries” (2011: 43). Existing research on EU-Russia relations strongly suggests that these ‘big countries’ of big political and economic clout in the European Union are France, the United Kingdom, and Germany (Smith, 2008; Bastian, 2006; Timmerman, 1996). Particularly these three yield influence over the direction of EU policy vis-à-vis Russia, as these larger states are ascribed significant importance by Moscow in its own objectives of achieving great power status (Engelbrekt, 2006). This indicates that asymmetries *within* the composite form has delegated disproportionate influence to the larger Member States. However, it is important not to overstate the case. Smaller states with strong national interests, such as notably Finland in developing the Northern Dimension framework, have been able to punch above their relative political weight by strategically using their EU presidency (Smith, 2008) before the entry into force of the Lisbon Treaty.

Moreover, not only asymmetries but also divergences have been exacerbated by Russia’s foreign policy approach. Through this approach, often labelled “divide and rule”, Russia policy-makers has strategically used the lack of

Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

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cohesion of the Member State to obtain political leverage by tactically encouraging defaulting from the EU's common position, and thereby undermining the collective foreign policy line (Barysch, 2004: 52). In practice, this has been particularly reflected in the significant degree of variations between the prices of energy supply contracts resulting from negotiations between individual Member States and Russia (Leonard and Popescu, 2007). Additionally, from times of notable tension in EU-Russia relations a relatively detectable pattern emerges of Russian offers of concessions targeted towards recognized "weak links" – such as Greece or Hungary (see Thaler, 2015; Leonard and Popescu, 2007). This indicates that the composite form of the Union, and the resulting challenging search for a cohesive 'unitary' position on issues, does not only impact how the European Union is able to approach Russia, but also how (and if) Russia critically chooses to engage with the Union.

The foreign policy approach of Russia has, however, also been a variable in the degree of cohesion of the European Union vis-à-vis Russia. Indeed, perceptions of Russian actions have over time moved the Member States towards greater unity in the *diagnosis* of current relations. Energy crises with Georgia and Ukraine have, for example, increased the legitimacy of securitizing 'energy relations' with Russia in the EU context (Neumann, 2009). Negative perceptions of the reliability on the Russian Federation, and the perception of it as the significant Other, have likewise found reinforcement following interventions in Chechnya (see Haukkala, 2015), and the 2008 war with Georgia (see Forsberg and Haukkala, 2016) as well as the crisis in Ukraine. The latter, particularly, demonstrated cohesion in diagnosis – a unanimous rejection of the annexation of Crimea in March 2014 and moving towards the conceptualization of Russia as a threat to regional stability (Ferreira-Pereira, 2016). The crisis also illustrated cohesion in its immediate response – Member States unequivocally agreed to use measures *beyond* the common statements expressing disappointment in the action of the Russian Federation (Haukkala, 2015). However, beyond the imposition of sanctions it is evident that the composite Union is still marked by divergence: there is a considerably divisive debate regarding the desirability of future trajectories following the lack of progress of the Minsk II agreement indicating the remaining presence of fundamental preference divergences (Schmidt-Feldtmann, 2014).

In summary, it is no surprise that the composite European Union has been influenced by the divisions inherent in the aggregate views among its Member States. Moreover, asymmetries between larger and smaller states have given disproportional influence to the three big three of the European Union in influencing the development of EU-Russia relations. These phenomena critically illustrate the extent to which the composite actor is dependent on its individual constitutive units for the direction of its policies. Additionally, it is evident that the incohesion in the *diagnosis* of EU-Russia relations, through Othering, has ameliorated over time. On the other hand, there seems to be no indication of long-term strategic and substantive policy convergence over Russia over time. Having made the case for these facets of the ability to find a common position, the following section will consider the composite's management of its composite policy output across pillars.

One Common Strategy? Consistency in the Management of a Broad Range of Policy Instruments

To the external observer the European Union appears to be a global composite actor in search of a strategy (Commission, 2014). This is a crucial element of EU-Russia relations, as by lacking a clearly defined strategy in terms of objectives and their subsequent prioritization, the European Union appears inconsistent in its external action and lacking in its external identity (Thaler, 2015). This inconsistency appears both vertically, between interacting actors at the EU level, as well as horizontally, across the EU policy pillars; and has perhaps been the most consistent feature of the EU's collective efforts vis-à-vis-Russia. This facet of the relationship has been confirmed by a variety of academic accounts on energy, foreign, and human rights policy (see e.g. Wessel, 2000), as well as official EU reports (see e.g. Patten, 2004). This final section of analysing the composite variable in EU-Russia relations, thus, aims to consider the role of the composite character in what the High Representative for the Common Foreign and Security Policy Javier Solana has coined the "Christmas Tree" external approach towards Russia – that is, the challenge to achieve a consistent and coherent strategy across policy domains.

Firstly, it should be recognized that the difficulty in creating a coherent and consistent external approach can be derived from the mere fact that the composite constitutive units of the European Union are not only Member States, but also the respective EU institutions needed to coordinate the aggregate interests into collective positions. The strategic partnership with Russia is particularly complex in this respect, as it covers all three of the Maastricht Treaty

Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

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pillars (Gower, 2013). Inevitably, this means that the Union's external representation vis-à-vis Russia is also *internally* very varied, as the relevant decision-making procedures, and instructional actors that dictate the policy formulation, articulation, and implementation vary according to the specifics of the policy domain concerned (Gower, 2017). The inherent challenge emanating out of the institutional constitutive units of the composite European Union is thus, the difficulty in reconciling the different decision-making rules, implementation procedures, and the content of policy in reference to Russia (Thaler, 2015)

How has this challenge of the management of the vast range of the policy instruments of the European Union been addressed? In other words, to what extent has the European Union adopted a coherent strategy across its institutions and pillars? Can we identify any amelioration in these complexities? The first officially adopted common line of the European Union on Russia was the Common Strategy on Russia (CSR) in 1999 which had shortly been preceded by an internal strategy document (Forsberg and Haukkala, 2016). In jointly developing this collective strategy, the Member States uploaded a very vast range national interests, partly encouraged by the fact that doing so after its implementation was subject to the risk of possibly being outvoted due to qualified majority voting rules (Haukkala, 2008: 323). This resulted in an inconsistent strategy best conceptualized as a 'christmas tree' approach covering essentially all aspects of the relationship without ordering or setting any priorities (Schmidt-Felzmann, 2011). The negotiation mandate for the post-PCA agreement likewise constituted a wish-list type approach to strategy formation. Both of these are indicative of

A number of institutional efforts have since emerged to address this inconsistency of instrument and policy coordination across the composite European Union's institutions. Firstly, on the level of working groups, the working party on Eastern Europe and Central Asia (COEST) has been an effort to improve both vertical and horizontal policy coordination and instrument management in the EU and has been widely acknowledged to have an extensive reach (Thaler, 2015). Secondly, on a higher level, the High Representative for Foreign Affairs and Security Policy has been created, served by the institutional novelty of the European External Action Service (EEAS) which encompasses four divisions relevant to Russia (Commission, 2014). Thirdly, The Lisbon Treaty foresaw the replacement of the Council Presidency rotating chair with a permanent EEAS chair to improve consistency and continuity. Finally, Phillip Thaler has nominally suggested that the formulation of the horizontally stretching 'Key Outstanding Issues' is the furthest the European Union has gone in creating a Russia policy (2015: 140-142). On the basis of this increasing institutionalization of the EU-Russia relationship, we may argue that the challenge to consistency among policy instruments internally has ameliorated over time. This argument should be qualified in that, empirically, this has yet to be reflected – but given the current state of confrontation, such empirical assessment of improvement in internal convergence would be hard to realistically carry out.

In sum, the needed external representation of a unitary consistent and coherent strategy is challenged by the working mechanisms needed and used to manage its external affairs, as a composite actor of Member States *and* the respective EU institutions. While some institutional progress for interest and policy coordination among the EU institutions can be identified, the 'Christmas Tree' metaphor of EU external affairs still aptly describes its Russia policy.

Conclusion: The Composite Variable in EU-Russia Relations

The European Union's internal governance problems related to its nature as a composite actor has recently come to question its very viability as a model for others to emulate. Therefore, the need to comprehensively consider the composite variable should not be undermined. In conceptual terms, this paper has suggested that the three primary mechanisms of the composite variable in EU-Russia relations are through the complexities of dual representation, interest coordination in terms of the ability to form common positions, and finally, due to the challenging tasks of forming a consistent strategy across constitutive institutional entities with a diverse range of procedural decision-making rules and coordination.

In terms of EU-Russia relations this impact should particularly be highlighted in the weak possibilities for the external representation of the Union – both through Member State parallel pursuit of national foreign policy, and through the sheer variety of externally representative institutional actors. Additionally, disaggregating the European Union by

Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

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understanding it as a composite, allowed us to gain further insights into the agenda-setting, and principles likely to be uploaded at the EU level, as well as the most likely candidates in steering this pursuit. Additionally, member states' tendency to insulate the national interests from costs is likely to carry costs for the collective reputation vis-à-vis Russia. Finally, external perceptions of the composite's challenge to be a composite in terms of internal divisions have been fruitfully used by Russia in obtaining further concessions.

The paper's second group of conclusions, regarding whether these complexities have ameliorated or retained at status quo levels found that there, firstly, seem to be no forces of Europeanization, or logic of appropriateness, at force in the case of bilateral vs multilateral choices, thus suggesting these mechanisms inhibiting and facilitating factors for EU-Russia relations has remained at status quo level. Secondly, while the Ukrainian crisis has reinforced negative perceptions of the Eastern neighbours this has mainly accumulated in a shared diagnosis, rather than strategic and substantive policy convergence. Thus, sharp divisions are likely to remain within the European Union regarding issues related to Russia. Finally, the increased institutionalization of the relationship is likely to have ameliorated complexities related to policy and issue coordination across the constitutive EU institutions. Given the positive dynamism generated from two of these mechanisms, this suggests that overall these complexities have slightly been ameliorated.

A few questions remain at the end of this paper. Can we through the anecdotic evidence of the composite nature of the European Union in EU-Russia relations draw *generalization* regarding the composite variable in EU external affairs? It is certainly likely that a number of these issues would persist vis-à-vis other countries, and across policy domains. For example, the balance of policy and interest coordination across institutional boundaries is likely to persist in regard to other countries, but perhaps not as prominent due Russia being the most contentious issue, and thus a hard case study. Thus, this paper encourages further research into the composite actor variable of the EU in other settings.

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Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

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Composing Compositeness: Examining EU Defining Actor Aspect in Russia Relations

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